

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 1612
Examiner: P. Morris
Applicant(s): AG Romero
Serial Number: 09/313,534
Filed: May 13, 1999
For: Heterocyclic Amines Having Central Nervous System Activity

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Washington, DC 20231

REISSUE DECLARATION (37 CFR §1.63, 1.175 AND 1.178)
AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,652,245, granted July 29, 1997, and for which a reissue patent is sought on the invention entitled **Heterocyclic Amines Having Central Nervous System Activity**, the specification of which

- ☐ is attached hereto.
- ☒ was filed on May 13, 1999 as Reissue Application Serial No. 09/313,534.
- ☐ was filed on as PCT International Application No. and was amended under PCT Article 19 on , if applicable.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR §1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply).

- ☐ by reason of a defective specification or drawing.

☒ [X] by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ [] by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening.

The instant reissue application seeks to add new claims 9-12 covering four intermediates that are disclosed in Examples 5(5), 5(6), 5(7) and 5(8) of the patent. The patentee claimed less than he had the right to claim in the patent through an error without any deceptive intention on the part of the applicant. The error occurred due to the sole inventor, Arthur Romero, not fully understanding the metes and boundaries granted to an inventor by an U.S. patent. Dr. Romero believed, incorrectly, that if these compounds were specifically disclosed in a patent application they were entitled to a patent protection. As a result, Dr. Romero did not request the then prosecuting attorney to claim these intermediates at the time of filing the original patent application. In fact, Dr. Romero never tried to claim these intermediates due to his incorrect belief. Since Dr. Romero did not communicate his understanding regarding these compounds to the then prosecuting attorney, the then prosecuting attorney did not, and was unable to, fully appreciate the full scope of the invention. Later on, another patent attorney, Bruce Stein, tried to patent an important commercial process utilizing the very same intermediates. Bruce Stein discovered that the instant patent, US 5,652,245, did not claim these compounds and notified the inventor as to his finding. The inventor now realized the importance to have these compounds claimed.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date (Day/Month/Year)
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I hereby claim foreign priority benefits under 35 USC §119(a)-(d), or §365(b), of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

Application Serial No.	Country	Filing Date (Day/Month/Year)	Priority Claimed (Yes/No)
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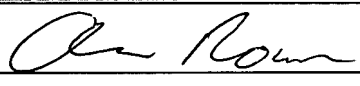
I hereby claim the benefit under 35 USC §120, of any United States application(s) or PCT International Application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status (Patented, Pending, Abandoned)</u>
08/097608	July 27, 1993	Abandon
PCT/US94/06648	June 17, 1994	Abandon
08/592328	January 23, 1996	US Patent 5,652,245
09/313,534	May 13, 1999	Pending

In compliance with the relevant sections of 37 C.F.R. §1.175(a), the applicant states:

As a named inventor, I hereby appoint Carl W. Battle (Registration No. 30,731); James D. Darnley, Jr. (Registration No. 33,673); Ellen K. Park (Registration No. 34,055); Bruce A. Pokras (Registration No. 32,748); Edward F. Rehberg (Registration No. 34,703); Andrew M. Solomon (Registration No. 32,175); Bruce Stein (Registration No. 27,231); Thomas A. Wootton (Registration No. 35,004); and Lucy X. Yang (Registration No. 40,259); all registered to practice before the Patent and Trademark Office as my attorneys or agents with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith and request that all correspondence and telephone communications be directed to the following person at the mailing address and telephone number hereafter given:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature		Date	Dec. 6, 2000
Full name of sole or first inventor: Arthur Glenn Romero			
Residence: Kalamazoo, Michigan 49009		Citizenship: USA	
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